THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 26616 of 2005

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DATED: 27.01.2006

Between:

Dodla Kameswara Rao S/O late Surya Rao,

R/O Rampachodavaram(V & M), East Godavari District.

… **PETITIONER**

And:

The Additional Agent to the Government,

Rampachodavaram, East Godavari District

and others.

… **RESPONDENTS**

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ORDER:

The Special Deputy Collector, Tribal Welfare, Rampachodavaram, second respondent herein, initiated proceedings against the father of the petitioner and another person, by name Allampalli Nagarathnam, in L.T.R.P. NO.64 of 1999, alleging that the transfer of house bearing

No.3-107 of Rampachodavaram village, in their favour is contrary to the provisions of the Andhra Pradesh (Scheduled Area) Land Transfer Regulation 1 of 1959. Through orders dated 24.04.2002, the second respondent ordered eviction of the father of the petitioner. Aggrieved thereby, the father of the petitioner filed an appeal, being CMA No. 12 of 2003, before the first respondent. The appeal was rejected on 29.10.2005. Thereafter, the petitioner preferred a revision before the Government, fourth respondent, together with an application for stay. This writ petition is filed stating that the fourth respondent did not pass any interim orders, and in the meanwhile, the Mandal Revenue Officer, third respondent, is taking steps to evict the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

On 14.12.2005, this Court permitted the petitioner to take out notice to respondents 5 to 7. It is stated that notice has been served on respondents 5 to 7 on 26.12.2005, and proof of service is filed into this Court. There is no response from respondents 5 to 7.

The second respondent passed a detailed order directing eviction of the father of the petitioner. Aggrieved thereby, the father of the petitioner filed CMA No. 12 of 2003 before the first respondent. It is rather astonishing and surprising to see that the first respondent, who is an IAS officer, did not know as to who filed the appeal and as to what he was doing while disposing of the appeal. The sixth respondent herein is shown as the appellant, though the appeal was preferred by the father of the petitioner. The first respondent agreed with the findings of the second respondent. In such an event, the appeal ought to have been dismissed. However, he allowed the appeal. Strictly speaking, the petitioner should be satisfied with the outcome of the CMA. However, since the observations are made against him, he preferred the revision. The authority, which posts the Officers and confers the powers of agents or additional agents, must have been aware of the fact that those authorities are to discharge the functions of regular Courts, and must be convergent with the basic procedure. The type of adjudication undertaken by an officer, who does not know as

to at whose instance the proceedings were initiated before him, and who does not understand as to how he was disposing of the appeal, can easily be estimated or imagined. Unfortunately, the innocent persons like the petitioner are the victims of such imperfect exercise of powers.

The petitioner has already availed the statutory remedy of revision. If he is evicted from the house, even while the revision is pending, nothing remains to be adjudicated therein.

For the foregoing reasons, the writ petition is disposed of directing that the order of eviction, dated 24.04.2002 passed by the second respondent, against the petitioner, shall remain suspended till the disposal of the revision by the first respondent. There shall be no order as to costs.

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27.01.2006

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